

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Diana Olson, on behalf of herself and her)
children as heirs at law of Richard Olson,)
deceased; and Diana Olson as Personal)
Representative of the Estate of Richard)
Olson,)
Plaintiff,)
vs.)
Ford Motor Company, a Corporation,)
Defendant.)

**ORDER DENYING PLAINTIFF'S
MOTION IN LIMINE NO. 3 TO
PRECLUDE CUMULATIVE OPINION
TESTIMONY AS TO LIABILITY
ISSUES**

Case No. 4:04-cv-102

On January 6, 2006, the plaintiff filed a motion in limine seeking to preclude cumulative opinion testimony at trial as to issues relating to liability. The plaintiff contends that Ford Motor Company is attempting to offer cumulative testimony by its in-house expert witnesses, namely, Charles Adams and Mark Hoffman.

On January 20, 2006, Ford Motor Company filed a response to the motion. See Docket No. 116. Ford contends that Adams is a mechanical engineer who will address the alleged defect and issues of causation concerning the speed control system and the brakes. Hoffman is an electrical engineer with extensive design experience. Ford indicates that he will testify about Ford's design process in general and the design process for speed control systems. Ford argues that it does not intend to offer duplicate expert opinion testimony from Hoffman and Adams.

The Court finds at this stage that Ford's expert witnesses are testifying on different subjects and their opinions do not duplicate each other. At this stage of the litigation, there is no need to preclude or exclude any testimony from these witnesses on issues of liability. However, the Court will have an opportunity at trial to hear the testimony of Ford's first liability expert and will

carefully consider that testimony when listening to Ford's second expert witness to ensure that there is no overlap in their testimony.

For the reasons outlined above, the Court **DENIES** the Plaintiff's Motion in Limine No. 3 to Preclude Cumulative Opinion Testimony on Liability (Docket No. 87).

IT IS SO ORDERED.

Dated this 30th day of January, 2006.



Daniel L. Hovland, Chief Judge
United States District Court